

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED
PARTNERSHIP, a New Mexico
Limited Partnership,

Plaintiff,

vs.

Civ. No. 00-655 LH/WWD (ACE)

CONOCO INC., a Delaware
corporation, AMOCO PRODUCTION
COMPANY a Delaware corporation,
and AMOCO ENERGY TRADING
CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter came before the Court upon the Class' Renewed Motion for Sanctions Against Defendant Conoco [docket no. 468]. An evidentiary hearing on the motion was begun at 8:30 a.m. on September 17, 2002. Counsel conferred during the noon hour to see whether they could arrive at a solution for the problems presented in connection with the renewed motion for sanctions. Following the noon recess, the parties asked for additional time to carry on these discussions and the request was granted. Court was reconvened at 3:06 p.m. on September 17, 2002, and the parties recited into the record the terms of an agreement which they had reached. That agreement as set out in pages 114-128, and 130-131, Transcript of Proceedings, Plaintiffs' Renewed Motion for Sanctions, September 17, 2002, is incorporated herein by reference.

WHEREFORE,

IT IS ORDERED that Defendant Conoco, Inc., shall produce discovery to Plaintiff in accordance with the terms of the aforementioned record and agreement.

IT IS FURTHER ORDERED that the Class' Renewed Motion for Sanctions Against Defendant Conoco [docket no. 468] be, and it is hereby, **DENIED WITHOUT PREJUDICE**.

FINALLY, IT IS ORDERED that the record and exhibits of the partially completed hearing on the Class' Renewed Motion for Sanctions Against Defendant Conoco be retained by the Court.


UNITED STATES MAGISTRATE JUDGE